



STATE OF INDIANA

MIKE BRAUN, Governor

**PUBLIC ACCESS COUNSELOR
JENNIFER RUBY**

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317) 234-0906
Email: pac@opac.in.gov
Website: www.IN.gov/pac

August 21, 2026

Re: Complaint 25-FC-344
Michael A. Garringer (Complainant) v.
Madison County Election Board (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed November 6, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on November 6, 2025, requesting a formal response by December 9, 2025. A formal response, submitted by Attorney William Cain of Graham, Farrer & Wilson, P.C., on behalf of Respondent, was received in this office on December 9, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by requiring completion of an APRA request form and failing to provide complete copies of the requested records.

ANALYSIS

The public policy of APRA states that “[p]roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information.” Indiana Code (IC) 5-14-3-1. Respondent is a public agency for purposes of APRA; and therefore, subject to the requirements. IC 5-14-3-2(s). As a result, unless an exception applies, any person has the right to inspect and copy Respondent’s public records during regular business hours. IC 5-14-3-3(a).

Complainant filed an APRA request for records on October 21, 2025. This request sought copies of records dealing with the campaign reports for certain enumerated individuals and political action committees (PACs). The initial request was made verbally and then supplemented by completion of Respondent’s form.

Respondent acknowledged the requests and entered into a series of emails with Complainant to identify the names and dates of the requested records. After modification of the requests to achieve reasonable particularity, records were delivered on November 3, 2025, and November 5, 2025.

Complainant alleges in his complaint that he was wrongfully required to complete an APRA request form in writing, was denied records because he did not include specific information and received records that were incomplete or redacted.

APRA states that if a person makes a request by phone or in person, the public entity needs to acknowledge the request within 24 hours. However, if a person submits the request by email, fax or postal mail, the public entity has seven (7) days to acknowledge the request. If the request is not acknowledged within these timeframes, it is considered a constructive denial. IC 5-14-3-4.4(c)(1). Once the public entity has acknowledged the request, it has additional “reasonable” time to research and produce the documents that have been requested. *Opinions of the Public Access Counselor* 25-FC-096 & 25-FC-307.

Respondent states that the request was acknowledged within three (3) hours of receipt. Therefore, Respondent acknowledged the request in a timely manner.

Complainant stated that he had:

to fill out a request form with specific dates, names of the campaign forms, and names of the PACs. I was told I had to submit it in writing or email and then the county attorney would determine, if I can have these records. I see this as constructive denial by forcing the request from a 24 hour response time for verbal requests into a 7 day response time for email/written requests.

As above, the verbal request was acknowledged, therefore no constructive denial occurred.

APRA provides that a request for inspection or copying of public records must:

- 1) Identify with reasonable particularity the record being requested; and
- 2) Be, at the discretion of the agency, in writing on or in a form provided by the agency.

IC 5-14-3-3(a). Therefore, Respondent was allowed to request Complainant to complete its form before accepting the APRA request.

Complainant misunderstands the provision regarding the difference between acknowledgement of a request and fulfillment of a request. As above, the 24 hours and seven (7) day provisions refer to acknowledging the requests and not

fulfilling it. The public agency then has a reasonable time within which to fulfill the production of records.

APRA does not define the term “reasonable time”. This office has in the past provided guidance on what would be considered a reasonable time for purposes of compliance with the APRA provisions. An informal benchmark this office observes for a typical response time would be thirty (30) days from the receipt of the request. *Opinions of the Public Access Counselor 20-FC-87 & 25-FC-280*. Here, the request was made on October 21, 2025, with the responsive records being delivered on November 3 and 5, 2025, well within thirty (30) days.

APRA also requires that record requests “must identify with reasonable particularity the record being requested.” IC 5-14-3-3(a)(1). Reasonable particularity is not defined by statute.

The Indiana Court of Appeals addressed the meaning of the phrase, “reasonable particularity” in *Jent v. Fort Wayne Police Dept*, 973 N.E.2d 30 (Ind. Ct. App. 2012) which involved a request for daily incident logs. The court concluded that reasonable particularity in a record request “turns in part, on whether the person making the request provides the agency with information that enables the agency to search for, locate, and retrieve the records.”

Respondent did not deny Complainant’s request but worked with Complainant to further identify the entities and time frames for the records requested. In a very short time, records were identified and then provided to Complainant as requested.

Finally, Complainant questions that the records provided had missing or redacted information and that at least one PAC report had not been supplied. Respondent responded:

The Madison County Election Board did not redact, alter, or omit any information from the records produced to Mr. Garringer. The records were produced in the same form in which they are maintained by the MCEB. To the extent certain forms contain blank or incomplete fields, those omissions reflect information that the applicable political action committees were required to provide but did not submit to the MCEB. Accordingly, the absence of that information resulted from incomplete filings by the PACs, not from any redaction or omission by the MCEB.

Mr. Garringer did not request clarification regarding the incomplete fields until after filing his formal complaint. Had that clarification been requested beforehand, the Election Board would have provided the same explanation above.

It has been the experience of this office that campaign reports, as filed pursuant to statutes, are frequently incomplete as to all required information. Since the campaign report is prepared and filed by the individual campaign committee member and/or Treasurer, the copy of the reports should have been provided exactly as received and filed. From the above, this appears to have been the case.

To the extent that Complainant has identified a missing PAC report, we encourage the parties to work together to confirm or deny the existence of the report.

CONCLUSION

This office finds that the Respondent did not violate APRA as alleged in the complaint.

A handwritten signature in black ink, appearing to read "Jennifer G. Ruby". The signature is fluid and cursive, with the first name "Jennifer" being more prominent.

Jennifer G. Ruby
Public Access Counselor